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VAN A. PENA, PHD., M.D.

THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

VAN A. PENA, PHD., M.D.,

Plaintiff,

v.

TIMOTHY MEEKER, PATRICIA
REES, HAL PETERSON, JENNIFER
WEAR, DENISE SHELDON, NORM
KRAMER, AND JUDITH
BJORNDAL,

Defendants_

S CASE NO. C 00-4009 CW

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S STIPULATION REQUESTING THAT
S THE CASE MANAGEMENT
S CONFERENCE BE RESCHEDULED.

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S Current CMC date: December 16, 2008

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S Proposed CMC date: January 20, 2009

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S The Honorable Claudia Wilken

NOW COME THE PARTIES, by and through their counsel of record, and hereby request
that the Case Management Conference, which is currently set for December 16, 2008, be

rescheduled for January 20, 2009. In support thereof, the parties would show the Court the following:

1. This case has been on appeal to the United States court of Appeals for the Ninth Circuit.

2. Recently, the United States court of Appeals for the Ninth Circuit ruled that the notice of appeal was untimely and remanded this case.

3. Counsel for the parties have met and conferred and agreed that additional time is necessary to enable counsel to contact parties and witnesses to determine their availability for trial prior to proposing a trial date to the Court.

Accordingly, the parties respectfully request that this Court reschedule the Case Management Conference for January 20, 2009.

RESPECTFULLY SUBMITTED.

Dated: December 5, 2008

**EDMUND G. BROWN, JR., Attorney General
of the State of California**

/s/ Terry Senne
TERRY SENNE
Attorneys for Defendants

Dated: December 5, 2008

LAW OFFICES OF LAWRENCE J. KING

By: /s/ Lawrence J. King
LAWRENCE J. KING
Attorney for Plaintiff

ORDER

Having reviewed the parties stipulation and finding good cause therefor, the Court hereby GRANTS the parties request and reschedules this case for a Case Management Conference to be held on January 20, 2009 at 2:00 p.m.

IT IS SO ORDERED.

12/5

Claudia Wilken

1 **Dated:** _____, 2008

2 **The Honorable Claudia Wilken**
3 **United States District Judge**